

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 3, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, December 3, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance was James O. McReynolds, County Administrator.

Invocation. Nicole Eickhoff, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Deputy James R. Hazelwood, Jr., York County Sheriff's Office, led the Pledge of Allegiance.

PRESENTATIONS

YORK COUNTY YOUTH COMMISSION

Mr. James Noel, III, Chairman of the York County Youth Commission, made the Commission's second quarterly report to the Board of Supervisors. On October 19 the Commission distributed American flags to spectators at the Yorktown Day parade. They have been involved in voter registration efforts, and this coming Saturday the Commission will conduct its second Adopt-A-Highway project along Goodwin Neck Road. Mr. Noel thanked Mr. Burgett for providing the Commission members with his insight on leadership at its November meeting, and he noted that one of its top priorities is a youth event focusing on the importance of character development. The Commission is also looking into sponsoring a County-wide teen dance and new programs for teens at the new YMCA that will open soon. There will be a high school ski trip to Wintergreen on January 24. The Commission has completed the hand scoring for Survey 2002, and it will provide the Board of Supervisors with recommendations at the March quarterly report. Mr. Noel invited the Board and York County citizens to attend the Tree Lighting Ceremony this coming Friday, starting at the Yorktown Victory monument at 6:30 p.m., a walk to York Hall, and the lighting ceremony at 7:00 p.m.

TRAVEL INDUSTRY PERFORMANCE

Mr. Dave Schulte, Executive Director of the Williamsburg Area Convention and Visitors Bureau (WACVB), provided the Board of Supervisors with an update on the performance of the travel industry in the historic triangle during the past year. He spoke of different ways to measure effective performance of the travel industry, but noted that the most reliable form was to concentrate on hotel room sales. He reviewed the statistics of hotel room sales since 2000, noting that 2002 sales were moving up past the slump of 2001. He then reviewed 2002 vacation trends, noting that people were taking shorter vacations closer to home, traveling by

car, staying with friends and relatives, spending less, booking their vacations by internet, and booking them at the last minute. The destinations most adversely affected are those dependent on international visitors, those dependent on air travel, those dependent on business travel, and large cities. Mr. Schulte reviewed some of the challenges that face the travel industry in this area which includes the state of the economy, the 42 percent budget cut and 45 percent grants program cut to the Virginia Tourism Corporation, competition with Disney and Universal Studios, and making sure that the tourists feel safe and secure while they are here. He stated the spending forecast for 2003 according to the Travel Industry Association of America indicates it will be up by about 5 percent. Mr. Schulte then reviewed the strategies to be used by the WACVB for 2003, including:

- ? Increase vacation packages marketing
- ? Capitalize on travel media interest
- ? Focus conference sales efforts on regional associations and corporations
- ? Assure student and adult group tour operators about safety and security
- ? Lobby the General Assembly for funding of matching grants program

He concluded his presentation by noting that the 2001-2002 tax revenue generated by tourism for York County was \$6,061,064.

Mrs. Noll mentioned that the Aviation World's Fair was cancelled, and she asked about the impact on the Hotel/Motel Association because she understood it would have been handling all the reservations for the air show.

Mr. Schulte stated it was an effort undertaken by the Hotel/Motel Association, and it invested in hardware to take reservations on-line. He indicated the Association went into it knowing there were no guarantees of how successful the fair would be, if held at all. The Association is using the hardware today, and, as stated before, the trend is that people are booking their vacations on-line.

Mr. Zaremba spoke of the budget cuts the Governor has proposed, and he asked Mr. Schulte if the tourism industry was a money maker for the Commonwealth.

Mr. Schulte stated the tourism industry is the biggest winner for the State. It gets 3.5 percent in taxes, and the travel industry generates over \$350,000,000 in tax revenues each year. He noted that although the State is the big beneficiary from tourism, the current plan is to cut back on this money making program. Over the past two years the Virginia Tourism Corporation has had its budget cut 42 percent, and the Governor is proposing more cuts for the upcoming year.

Mr. Zaremba asked Mr. Schulte if this message was being heard by the legislators in Richmond.

Mr. Schulte stated that Senator Norment was well aware of the situation. He stated the General Assembly is being asked by the Governor to kill the goose that is laying the golden eggs.

Mr. Zaremba addressed the concerns he has heard from the hoteliers about the growth of timeshares, and he asked what their impact is on tourism.

Mr. Schulte noted that it did have some impact on the local hotels/motels, but there is strong evidence that people are choosing to stay in timeshares as opposed to a hotel/motel. The timeshares may have brought in tourists that otherwise would not have come without them. He stated the area has probably reached the point where a closer relationship is needed with the timeshare industry to have them participate in local marketing efforts.

Discussion followed on occupancy rate increases.

Mr. Zaremba indicated he had heard that the two publications, "The Great Entertainer" published by the Hotel/Motel Association and the "Visitors Guide" published by the WACVB were pretty much a duplication, and he asked Mr. Schulte about the fiscal efficiency of having two similar publications.

Mr. Schulte explained that the WACVB and the Hotel/Motel Association had talks about a year ago on this issue. When the costs were looked at to produce the Visitors Guide and the Great Entertainer, it turned out to be a wash. The big issue and concern was that as a member of the WACVB everyone is guaranteed a free listing in the publication which is a significant benefit to the members who contribute about \$500,000 a year toward the marketing effort. There are a total of 240 hotels, restaurants, retail stores, and attractions that cater to tourists in the Historic Triangle area, and about 180 of them are not served by the Hotel/Motel Association. Those businesses would have to purchase advertising to be in the Great Entertainer.

Mr. Zaremba noted that the County's contribution to the WACVB is a little over \$300,000. He asked Mr. Schulte if he could tell the Board about how much of that money goes directly to marketing the Historic Triangle.

Mr. Schulte stated the Bureau works on a total budget of about \$2 million, and it is able to cover its overhead expenses with membership dues. All the funding coming from the localities of James City County, Williamsburg, and York County goes towards the marketing effort.

Mr. Shepperd indicated that the \$300,000 is a very good investment for York County since it brings in about \$6 million per year.

WORKFORCE DEVELOPMENT CENTER

Ms. Deborah Wright, Vice President for Workforce Development, Thomas Nelson Community College, made a presentation to the Board on the Workforce Development Center that has resulted from a partnership of the area localities to provide employer-driven workforce services designed to prepare the Peninsula's citizens to be productive members of the area's workforce. She provided the Board members with some historical background on how the effort began in 1994 and became a reality on October 18, 2001. She spoke of the many varied programs offered at the Center to educate and train area workers and provide them with opportunities for advancement or new careers. Ms. Wright then presented the Board with the Center's first annual report, explaining statistics on activities provided, employees enrolled, and employers served in each of the programs. She noted that the Peninsula Workforce Development Center is a self-supporting operation.

Mr. Burgett stated that the Center can help anyone with any training they need for a career.

Mrs. Noll thanked Ms. Wright for her presentation and commended her on the Center's accomplishments in its first year of operation.

CITIZENS COMMENT PERIOD

Mrs. Addie Jeannette Carter, 819 Baptist Road, appeared before the Board to request assistance with obtaining documentation concerning a change of address that was effected by the County for property she owns on Baptist Road, specifically property that was addressed as 822 Baptist Road and the County has changed to 818 Baptist Road. She also spoke of problems she was having with contractors cutting the telephone lines at her house, and she asked for assistance from the County by making sure contractors request the telephone company to properly mark the lines before doing any digging.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of the Tree Lighting Ceremony on Friday at 6:30 p.m. starting at the Victory Monument, walking down Main Street to York Hall for the lighting ceremony taking place at 7:00 p.m. Following the tree lighting ceremony will be the Lighted Boat Parade along the waterfront. He stated on Saturday, December 7, there will be the annual Holiday Homes Tour in Yorktown, and tickets may be purchased at the Gallery in York Hall or at several of the shops in the village. Mr. McReynolds also reminded the Board of its next regularly scheduled meeting on December 17 and its organizational meeting on Tuesday, January 7. He asked the Board members to forward any proposed changes they had to the Rules of Procedure to Mrs. Simmons in order to coordinate them with the County Attorney and provide the Board with materials for its organizational meeting. Mr. McReynolds then noted that there was perhaps some good news from Richmond. The Governor has indicated there will be no further reductions to funding for K-12 grades in direct aid. He noted there could be some in categorical aid. He stated he had also heard there is an indication that the State's revenues have stabilized.

MATTERS PRESENTED BY THE BOARD

Mr. Zarembo spoke of an editorial that appeared in last Sunday's Daily Press concerning the fact that the State has the lowest cigarette tax in the nation. He stated he felt the General Assembly should raise the cigarette tax to help make up for some of the proposed budget cuts by the Governor. He stated it seems a very smart way to raise needed revenues.

Mr. Shepperd indicated he had received some ideas for efficiencies in government from some of his constituents, and he asked that the staff look into the feasibility of the following:

- ? Staggered terms for members of the Board of Supervisors
- ? Elimination of the Constitutional Offices of Treasurer and Commissioner of the Revenue
- ? Elimination of the car decals

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? Authorize veterinarians to collect pet license fees

He noted that the ideas may not be original, but he feels the Board should ask if there are some efficiencies that can be received by taking a look at some of them. Mr. Shepperd stated the Board needs to make it easier for the citizens to deal with government.

Mrs. Noll briefly mentioned the General Assembly and its task next year of dealing with the Governor's budget cuts. She spoke of the unfunded mandates of the State and the VML/VACo position that they should be deleted if they can't be funded. She stated the localities should be able to say to the General Assembly if they are going to tell the localities what they have to do, then the General Assembly will have to pay for it or allow the localities to decide for themselves whether or not it needs to be done. Mrs. Noll then spoke of how hard working with government has become, citing the numbers of lobbyists, law firms, and media representatives that are trying to influence Washington.

Mr. Burgett noted that last year the County Administrator listed for the Board efficiencies in York County government operations which saved about \$6.2 million. He addressed Mr. Shepperd's suggestion of looking at the implementation of staggered terms for the members of the Board of Supervisors, stating that in his 24 years in York County he hasn't seen any loss of efficiency because the terms of the Board of Supervisors all expire at the same time. Mr. Burgett then noted that it has come to the Board's attention that it will cost a few dollars more to join the new Victory Center YMCA than it does to join the James City County Recreation Center, and he suggested that it might be time for the Board to look at eliminating the subsidy to the residents in the upper County since the costs will be close to the same thing. He also noted that the dead trees at WalMart have been removed, and an irrigation system will be installed to keep the new trees alive. He commended WalMart for responding to the concerns of the Board of Supervisors and the citizens who live in its adjacent neighborhoods.

Chairman Wiggins stated the Board of Supervisors met with members of York County's legislative delegation this past Tuesday morning to go over York County's legislative requests for 2003, and he briefly reviewed the request. He spoke strongly for the County to be allowed taxing authority on cigarettes.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 1 and 2, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

Thereupon, the following resolutions were adopted:

Item No. 1. LICENSE AGREEMENT--UTILITY LINE EXTENSIONS: Resolution R02-199

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO A LICENSE AGREEMENT WITH THOMAS E.
RICHARDSON AND DEBORAH R. RICHARDSON FOR UTILITY AC-

CESS ACROSS AN UNIMPROVED PORTION OF A DEDICATED
ROADWAY

WHEREAS, Thomas E. Richardson and Deborah R. Richardson are the owners of property in the vicinity of Railway Road having a street address of 217-A Railway Road and abutting an unimproved road previously dedicated to public use by a subdivision plat recorded February 14, 1968 in Plat Book 8, page 97; and

WHEREAS, Thomas E. Richardson and Deborah R. Richardson desire to obtain the right to install private water laterals and other utilities across a portion of the unimproved portion of road; and

WHEREAS, Thomas E. Richardson and Deborah R. Richardson have proposed to the County a license agreement, by which they shall be granted such access, provided that the license agreement shall be nonexclusive; and

WHEREAS, it has been determined that entering into such license agreement benefits the public welfare and is not adverse to the County's interests.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of December, 2002, that the County Administrator be, and is hereby authorized, for and on behalf of the Board to enter into a license agreement whereby Thomas E. Richardson and Deborah R. Richardson shall be granted utility access across that unimproved portion of road which is shown on the above-referenced plat as "22' R/W," provided that such license shall be nonexclusive, such agreement to be substantially similar in form to the draft agreement transmitted to the Board by report of the County Attorney dated November 12, 2002, such license agreement to be approved as to form by the County Attorney.

Item No. 2. APPLICATION NO. UP-610-02, KENNETH DALE MOORE: Resolution R02-206

A RESOLUTION TO RETURN APPLICATION NO. UP-610-02, AS
AMENDED, TO THE PLANNING COMMISSION FOR REVIEW AND
RECOMMENDATION

WHEREAS, Kenneth Dale Moore has submitted Application No. UP-610-02, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on a 2.6-acre portion of a parcel located on Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158; and

WHEREAS, said application was referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, subsequent to the Planning Commission's recommendation for denial, the applicant has informed staff of various changes that he intends to make in the development concept and has requested that the application be referred back to the Planning Commission for review and recommendation; and

WHEREAS, the Board wishes to have benefit of the Planning Commission's review and recommendation concerning the revised concept plan being proposed by the applicant;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of December, 2002, that Application No. UP-610-02, as amended, be, and it is hereby, referred back to the Planning Commission for review and recommendation subject to the applicant's payment of the supplementary review fee required by Section 24.1-108 of the Zoning Ordinance.

CLOSED MEETING. At 8:40 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to the acquisition of property for a public purpose.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

Meeting Reconvened. At 9:25 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Shepperd moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of December, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mrs. Noll moved the adoption of proposed Resolution R02-200 that reads:

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A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE
TO THE COMMUNITY CRIMINAL JUSTICE BOARD

BE IT RESOLVED by the York County Board of Supervisors this 3^d day of December, 2002, that J. D. Diggs, Sheriff of York County, be and he is hereby, appointed as a York County representative to the Community Criminal Justice Board for a term of three years, such term to begin immediately and end November 30, 2005.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Meeting Adjourned. At 9:35 p.m. Mr. Burgett moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors